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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,790	06/05/2001	Jean Pierre De Vries	MCS-072-00	1728
27662	7590	06/24/2005	EXAMINER	
LYON & HARR, LLP 300 ESPLANADE DRIVE, SUITE 800 OXNARD, CA 93036			ART UNIT	PAPER NUMBER

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/681,790

Applicant(s)

DE VRIES, JEAN PIERRE

Examiner

Bradley B. Bayat

Art Unit

3621

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 04 April 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☒ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3500

Continuation of 10. Other (including any explanation in support of the above items):

Appellant has failed to comply with the rules clearly set forth under 37 CFR §41.37(c). Appellant is advised to carefully review the appeal brief to ensure compliance with each item:

1) Appellant has failed to comply with 37 CFR §41.37(c)(v): The heading should read "Summary of claimed subject matter." The body of the summary should be a concise explanation of the subject matter defined in each of the independent claims involved in the appeal.

Note: appellant must refer to the specification by page and line number in support of each statement.

2) Appellant has failed to comply with 37 CFR §41.37(c)(vi) The heading should read "Grounds of rejection to be reviewed on appeal." In addition, as noted in the previous action, appellant's "issue a" is merely argument and not based on a statutory ground for rejection.

Therefore, "issue a" is not a ground of rejection on appeal, but rather appellant's assertions with regard to the only ground of rejection under 35 USC 103(a).

3) Grouping of Claims is no longer required and must be deleted.

4) Note that an "Evidence Appendix" and "Related proceedings Appendix" are now required under 37 CFR §41.37(c)(ix) and (x). Even if none exist, appellant is advised to state so for the record under the proper heading.

5) Appellant has failed to comply with 37 CFR §41.33(c). Evidence filed (exhibit A) after the date of filing of a notice of appeal will not be admitted. Appellant is advised to remove all inadmissible evidence and any reference thereto.